

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)
)
)
v.) CASE NO. DNCW3:10CR254
)
) (Financial Litigation
ROY E. SCARBORO,) UNit)
)
and)
)
LUCINO LIMITED,)
)
 Garnishee.)

WRIT OF CONTINUING GARNISHMENT

GREETINGS TO: Lucino Limited
6202 Hardy Drive
McLean, VA 22101
ATTN: Simon B. Kerruish

An Application for a Writ of Garnishment against the property of Roy E. Scarboro, Defendant, has been filed with this Court (Docket No. 21). A judgment has been entered against Defendant (Docket No. 19). The U.S. Clerk of Court total balance of \$601,598.84, computed through November 22, 2011, is due and owing.

You, as Garnishee, are required by law to answer in writing, under oath, within ten (10) days of service of this Writ, whether or not you have in your custody, control, or possession any property or funds owned by Defendant, including non-exempt disposable earnings.

You must withhold and retain any property in which Defendant has a substantial non-exempt interest and for which you are or may become indebted to Defendant pending further order of the Court.

This means that you should withhold 25% of Defendant's earnings which remain after all deductions required by law have been withheld, and 100% of all 1099 payments. See 15 U.S.C. § 1673(a).

Please state whether or not you anticipate paying Defendant any future payments and whether such payments are weekly, bi-weekly, monthly, annually or bi-annually.

You must **file the original written Answer** to this Writ within ten (10) days of your receipt of this Writ with the following office:

**Clerk of the United States District Court
401 West Trade Street
Charlotte, NC 28202**

Additionally, you are required by law to **serve a copy of the Answer** upon Defendant at his last known addresses:

Roy E. Scarboro
XXXXXXXXXXXX
High Point, NC 27263

and

Roy E. Scarboro
FCI Butner Medium I
Federal Correctional Institution
XXXXXXXXXXXX
Butner, NC 27509

You are also required to **serve a copy of the Answer** upon the Plaintiff at the following address:

Jennifer A. Youngs, Assistant United States Attorney
United States Attorney's Office
Financial Litigation Unit
227 West Trade Street, Suite 1650
Charlotte, NC 28202

Under the law, there is property which is exempt from this Writ of Garnishment. Property which is exempt and which is not subject to this Order may be listed on the attached Claim for Exemption form.

Pursuant to 15 U.S.C. § 1674, you, the Garnishee, are prohibited from discharging Defendant from employment by reason of the fact that his earnings have been subject to garnishment for any one indebtedness.

Pursuant to 28 U.S.C. §3205(c)(6), if you **fail to answer this Writ or withhold property or funds** in accordance with this Writ, the United States of America may petition the Court for an order requiring you to appear before the Court to answer the Writ and to withhold property before the appearance date. If you fail to appear or do appear and fail to show good cause why you failed to comply with this Writ, the Court shall enter a judgment against you for the value of Defendant's non-exempt interest in such property. The Court may award a reasonable attorney's fee to the United States and against you if the Writ is not answered within the time specified. It is unlawful to pay or deliver to Defendant any item attached by this Writ.

Signed: November 22, 2011



David S. Cayer
United States Magistrate Judge



SO ORDERED.